

Item No.12

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 472/2023
(I.A. No. 633/2023)

Bharat Bhushan Sharma

Applicant

Versus

M/s Krrish Shalimar Projects Pvt. Ltd. & Ors.

Respondent(s)

Date of hearing: 21.11.2023

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Respondent: Mr. Ankit Choudhary, Adv. for Applicant (Through VC)
Mr. Rahul Khurana, Adv. for HSPCB

ORDER

1. In this Original Application, the grievance raised by the applicant was in respect of construction of residential township in Section -39 of Faridabad, Haryana in the name and style "IBIZA TOWN" and illegally discharge of untreated sewage water directly on the surface of an open land adjacent to the township.

The State Environment Impact Assessment Authority, Haryana in its meeting held on 28.10.2012 had decided to agree with the recommendations of SEAC to accord necessary Environmental Clearance for the project under Category 8(a) of EIA notification 2006 subject to the strict compliance with the specific and general conditions for the built up

area of the group housing project of 91705 sq. mtrs. on a plot area of 8.514 acres.

2. The Tribunal vide order dated 08.08.2023 had issued notice to the project proponent and also formed a Joint Committee with a direction to the Committee to visit the place and ascertain particularly the status of treatment, utilization and disposal of sewage as per consent of State PCB and commissioning and operation of DG set and submit the factual and action taken report.

3. The Joint Committee has filed the report on 28.10.2023. The report reflects that the project proponent after 14.11.2019 does not have the CTE/CTO and action has already been initiated by the Haryana State Pollution Control Board by issuing the show cause notice. The action which is proposed/initiated against the project proponent has been reflected in the report of the Joint Committee as under:

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- *The said unit/society has obtained CTE (Consent to Establish) from Haryana State Pollution Control Board and extension was valid up to 14/11/2019. (Copy attached as Annexure R-3)*
- *Further it is submitted that afterward unit has not obtained the CTE or CTO from the Haryana State Pollution Control Board and was operating/occupied flats without obtaining CTE/CTO.*
- *Haryana State Pollution Control Board has issued the Show Cause unit/Society/Builder Notice for closure to the vide HSPCB/FAR/2023/INS/46598261SCNCC001 dated 03/10/2023 no. and further amended notice for Environment Compensation and prosecution on dated 19/10/2023 (Copy attached as Annexure 4)*
- *The said unit has applied for CTO vide application no.47261648 dated 26-09-2023 through online consent management system and the same is under process.*
- *Further action will be taken i.e. Closure, living of Environment Compensation and prosecution as per Law/Rules for the past violation.*
- *The Report is being submitted for kind consideration of this Hon'ble Tribunal. The direction passed by this Hon'ble Tribunal shall be complied with in true letter and spirit.”*

4. Since action is already initiated by the State PCB therefore at this stage we are of the view that the said action should be completed

expeditiously and in view of the action so initiated no interference by this Tribunal at this stage is required. Let the necessary action as disclosed in the report be completed within period of three months by the Haryana State PCB and other concerned authorities. Action taken report be submitted before the Registrar General of the Tribunal by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. If found necessary the matter will be placed for consideration.

5. The original application is disposed of accordingly.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

November 21, 2023
Original Application No. 472/2023
(I.A. No. 633/2023)
HB